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January 22, 2008

VIA E-MAIL

Mr. Louis W. Bullock
Miller, Keffer, Bullock & Pedigo LLC
222 S. Kenosha Avenue
Tulsa, Oklahoma 74120

Re: *State of Oklahoma, et al. v. Tyson Foods, Inc., et al.*
Case No. 4:05-00329-GKF-SAJ

Dear Louis:

During our telephone conference on January 17, you asked Defendants to identify our proposed date for production of materials considered by experts that we will call to testify at the hearing on the preliminary injunction. After conferring with defense counsel and experts, I am pleased to report to we intend to produce such materials on or before February 12, 2008. This is ten days before the start of defendants' case-in-chief on the preliminary injunction motion.

Defendants were disappointed with the positions taken by the State during the January 17 conference. Obviously, Defendants cannot disclose witnesses and exhibits until after the Plaintiffs identify the exhibits and witnesses which Defendants are to defend against. We were also deeply troubled by Plaintiffs' attempt to "reserve the right" to offer additional expert opinions which were not disclosed in the experts' affidavits or during their depositions. Defendants remain willing to work cooperatively with the State in arriving at a pre-hearing schedule that is reasonable. However, we cannot accept scheduling proposals or "reservations of right" that prejudice our ability to defend against the preliminary injunction motion.

Following is Defendants' pre-hearing scheduling proposal which now incorporates the proposed February 12, 2008 production of materials considered by defense experts:

<u>Date</u>	<u>Action</u>
2/8/08	Defendants Response to Motion for Preliminary Injunction with affidavits disclosing all expert opinions formed as of the date of the response.

4830-5355-2386.1

EXHIBIT

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<u>Date</u>	<u>Action</u>
2/12/08	Plaintiffs provide Defendants with: (1) list of witnesses to be called at the hearing; (2) copies of all exhibits Plaintiffs will seek to introduce at the hearing; and (3) page and line number designations for any depositions that Plaintiffs intend to read into the record or play video of as part of their case-in-chief.
2/12/08	Defendants: (1) disclose any expert opinions which were not finalized as of the date of filing of the response brief; and (2) produce all materials considered by defense experts in forming opinions in support of Defendants' opposition to the preliminary injunction motion.
2/15/08	Defendants provide Plaintiffs with: (1) list of witnesses to be called at the hearing; (2) copies of all exhibits Defendants will seek to introduce at the hearing; (3) counter-designations by page and line number for deposition witnesses disclosed by Plaintiffs which Defendants will offer as cross examination during Plaintiffs' case-in-chief; and (4) page and line number designations for any depositions that Defendants intend to read into the record or play video of as part of Defendants' case-in-chief.
2/18/08	Plaintiffs provide Defendants with counter-designations by page and line number for deposition witnesses disclosed by Defendants which Plaintiffs will offer as cross examination during Defendants' case-in-chief.

For fairness, any violation of these deadlines (by either side) would result in exclusion of the material that was not disclosed on time.

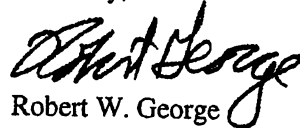
Following the January 17 conference, you advised that Plaintiffs agree that Defendants may play video deposition testimony of witnesses even if those witnesses could be subpoenaed for live testimony. The State would have the right to call those same witnesses live at the hearing or counterdesignate testimony from the deposition. Counter-designations of deposition testimony will be limited by the length and time of the designated direct examination. However, such counter-designations would be made without prejudice to the right of the counter-designating party to read or play additional portions of the depositions as part of their case-in-chief.

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Defendants believe the foregoing schedule is fair to all parties. We urge Plaintiffs to reconsider its position on the pre-hearing schedule and to accept this proposal.

Cordially,


Robert W. George

cc: Counsel of Record (via e mail)